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IX.H.3. Establishment of Alternative Requirements

a. Alternative Requirements.

In lieu of the requirements imposed pursuant to Section IX, Part H of the State Implementation Plan, a facility owner may comply with alternative requirements, provided the requirements are established pursuant to the permit issuance, renewal, or significant permit revision process found in R307-415 and are consistent with the streamlining procedures and guidelines set forth in IX.H.3.b and c below. These procedures and guidelines are drawn from section II.A. of *White Paper Number 2 for Improved Implementation of the Part 70 Operating Permits Program*, dated March 5, 1996.

For the sources subject to R307-415, an alternative requirement is approved for the source by the executive secretary and the EPA if it is incorporated in an issued part 70 permit to which EPA has not objected. Any public comments concerning the alternative will be transmitted to EPA with the proposed permit. The executive secretary's determination of approval is not binding on the EPA.

b. Demonstrating Equivalency of an Alternative Requirement.

The source shall demonstrate that the alternative requirement is as or more stringent than the existing SIP requirement, considering, among other things, the following:

A. For emission limits:

- (1) Emission limits should be converted to a common format/units of measure so that a direct comparison can be made. If not, a valid, detailed correlation must be demonstrated between different formats/units so that a comparison is possible.
- (2) Are compliance dates as or more stringent (earlier or more frequent)?
- (3) Are averaging times as or more stringent?
- (4) Are transfer or collection efficiencies as or more stringent?
- (5) Will the same pollutants be regulated to the same or greater extent?
- (6) Are any exceptions/defenses as or more limited?
- (7) Are associated test methods as or more stringent?

B. For work practice standards:

- (1) Are base elements the same (e.g., if the original rule addresses frequency of

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inspection and recordkeeping, does the new rule address these same elements?) and are requirements relating to these elements as or more stringent?

(2) The comparison should be for each individual emissions unit. The comparison should not analyze across multiple emissions units.

(3) Are compliance dates as or more stringent (earlier or more frequent)?

(4) Are averaging times, if any, as or more stringent?

(5) Will the same pollutants be regulated to the same extent?

(6) Are any exceptions/defenses as or more limited?

C. For monitoring requirements/test methods:

(1) Would alternative monitoring assure compliance to the same or greater degree?

(2) Is the monitoring frequency the same or greater?

(3) Is the monitoring method as or more accurate, precise, reliable, and replicable?

(4) Is there sufficient evidence of the alternative method's accuracy/reliability?

(5) Are any exceptions to requirements as or more limited?

(6) Are quality assurance procedures as or more robust?

D. For reporting requirements:

(1) Is the reporting frequency the same or more frequent?

(2) Are the reporting requirements the same or more detailed?

(3) Are the deadlines for reporting the same or more frequent?

E. For record keeping requirements:

(1) Are the record keeping requirements the same or more detailed?

(2) Are the retention requirements as or more stringent?

(3) Are the requirements/methods as or more reliable?

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c. Procedure.

A. A source can request an equivalent emission limitation by submitting the following information to the executive secretary.

(1) Side-by-side comparison of existing and proposed requirements for specific emissions units of the source.

(2) A written determination regarding relative stringency in accordance with IX.H.3.b above, including documentation to support the determination. This should be repeated for each emissions unit-pollutant combination.

B. The source shall comply with the existing SIP limitation or requirement until the new limitation or requirement has been included in the source's operating permit and becomes effective. If the source won't be able to immediately comply with the new limitation or requirement, the source shall comply with existing limits/requirements until the new limits/requirements become effective.

C. If the executive secretary disapproves the requested changes, the existing requirements remain in place. If EPA objects to the requested changes in accordance with R307-415-8, the existing requirements remain in place.

D. The executive secretary will notify EPA if a source has requested an equivalent emission limitation. The equivalence demonstration and supporting documentation will be transmitted to EPA as soon as it is available and in advance of draft permit issuance. These materials will also be available for public review in accordance with R307-415-7i(2).